

IFW  
1764

Docket No.: C041473/0124196



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of  
Ross A. CAPUTO, Robert R. REICH, Jr., )  
Robert J. THRASH, Jimmy FISHER, )  
Davoud KHZORZAD, and Thomas F. CULLEN )  
  )  
Serial No.: 09/901,389                   ) Examiner: To Be Assigned  
   )  
Filed: July 9, 2001                       ) Art Unit: 1764  
   )  
For: **APPARATUS FOR TESTING**           )  
    **STERILIZATION METHODS AND**          )  
    **MATERIALS**                             )

**FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants wish to make of record the following eight documents (clean copies and one Form PTO-1449 listing them are enclosed). Neither this Fifth Supplemental Information Disclosure Statement nor its filing constitutes either an admission that any of the documents is prior art or a representation that a search has been made.



### Documents

<u>Document No.</u>	<u>Date</u>	<u>Country</u>
WO 94/23813	10/27/94	PCT
EP 0 291 616	11/23/88	EPO
WO 00/33967	6/15/00	PCT
WO 01/44053	6/21/01	PCT

Supplementary European Search Report mailed on October 28, 2004 for related European Application No. 02746911.3

Derwent English abstract for EP 0 291 616

U.S. Patent No. 6,736,379	5/18/04	US
U.S. Patent Publication No. 2002/0134051	9/26/02	US

\*\*\*

The first four documents were cited by the European Patent Office in a "Supplementary European Search Report" that was mailed on October 28, 2004 for a related European Application (European Application No. 02746911.3). The fifth document is the Supplementary European Search Report. The sixth document is the Derwent English abstract for EP 0 291 616 (the second document). The seventh document is U.S. Patent No. 6,736,379, which corresponds to WO 00/33967 (the third document). The eighth document is U.S. Patent Publication No. 2002/0134051, which corresponds to WO 01/44053 (the fourth document).

The Supplementary European Search Report cites six documents:

(a) WO 94/23813, (b) EP 0 291 616, (c) WO 00/33967, (d) WO 01/44053, (e) GB 1 582 060, and (f) GB 2 089 213. The last two documents are already of record (see Information Disclosure Statement filed July 9, 2001).

Applicants request that these documents be considered by the Examiner before issuance of a first office action on the merits and be made of record in this file. The Examiner is

also asked to initial and return a copy of the enclosed PTO-1449 form to evidence such consideration.

This Information Disclosure Statement is being filed in accordance with the following provision:

- [x] 37 CFR § 1.97(b)(3) To the best of the undersigned's knowledge, before the mailing date of a first Office Action on the merits. No fee is required.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment, Commissioner for Patents, P.O.  
Box 1450, Alexandria, VA 22313-1450

on 12/2/2004  
(Date of Deposit)

Charles M. Avigliano  
Name of applicant, assignee, or registered representative

Charles M. Avigliano  
Signature

12/2/2004  
Date of Signature

Respectfully submitted,

Charles M. Avigliano  
Charles M. Avigliano  
Registration No. 52,578

BRYAN CAVE LLP  
1290 Avenue of the Americas  
New York, New York 10104-3300  
Phone: (212) 541-2000  
Fax: (212) 541-4630

Form PTO-1449 (Rev. )	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 041473/0124196	SERIAL NO. 09/901,389
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)		APPLICANTS Ross A. CAPUTO, Robert R. REICH, Jr., Robert J. THRASH, Jimmy FISHER, Davoud KHORZAD, and Thomas F. CULLEN	
		FILING DATE July 9, 2001	GROUP 1764

**U.S. PATENT DOCUMENTS**

Examiner Initial	Cite No.	U.S. Patent Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
		6,736,379	5/18/04	Wegner et al.			
		2002/0134051	9/26/02	Kurth			

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Subclass	Translation	
		WO 94/23813	10/27/94	PCT			Yes	No
		EP 0 291 616	11/23/88	Europe				
		WO 00/33967	6/15/00	PCT				
		WO 01/44053	6/21/01	PCT				

**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)

	Derwent English abstract for EP 0 291 616
	Supplementary European Search Report mailed on October 28, 2004 for related European Application No. 02746911.3

EXAMINER	DATE CONSIDERED
----------	-----------------

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.